

Remarks

Claims 25-32 were pending. No claims have been amended, added or cancelled. Thus claims 25-32 are subject to continued examination.

35 U.S.C. §112 Rejections

Claims 25-32 stand rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement. Specifically, the Office Action states that there is no support for the limitation that the adjacent nonwoven layers are "intermingled with one another and with said adhesive in substantially continuous relation across the composite to define mechanical entanglement between said adjacent layers across substantially the entire interface between the adjacent layers." Applicants respectfully disagree. The specification discloses that according to the potentially preferred practice, the resultant layered sandwich structure 66 is thereafter conveyed through an entangling needle loom 64 which serves to mechanically intermingle a portion of the fibers from one or more layers of enhanced density batting material 56 with the adhesive material 62 and with the adjacent layer of batting or other material as may be incorporated within the sandwich structure 66 thereby mechanically binding the layers of the sandwich structure 66 together and increasing overall strength (pg. 10, lines 17-24). This process is illustrated in FIG. 5 which clearly shows that the entangling needle loom 64 acts across the entire surface of the enhanced density batting material 56 which would result in mechanical intermingling across substantially the entire interface

between adjacent layers. Furthermore, FIG. 1 illustrates a nonwoven structure after needle punching and clearly shows that some of the fibers extend from layer 24 across adhesive layer 20, across layer 14, across adhesive layer 18 and into layer 16. This intermingling of fibers across layer occurs along the length of the nonwoven structure. "[T]he 'essential goal' of the description of the invention requirement is to clearly convey the information that an applicant has invented the subject matter which is claimed." *In re Barker*, 559 F.2d 588, 592 n.4, 194 USPQ 470, 473 n.4 (CCPA 1997). An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention. *Lockwood v. American Airlines, Inc.*, 107 F. 3d 1565, 1572, 41 USPQ2d 1961, 1966 (Fed. Cir. 1997). Applicants respectfully submit that the FIGS. 1 and 5 clearly illustrate the claim limitation in question. This makes it clear that Applicants were indeed in possession of the claimed invention at the time of filing and it makes it clear to persons of ordinary skill in the art that the Applicants invented what is claimed. Furthermore, the subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement (MPEP § 2163.02).

Claims 25-32 stand additionally rejected under 35 U.S.C. §112, first paragraph, for lack of support for the limitation that a "second portion of the fiber elements in each of said adjacent layers projects in extended relation into but not across a layer of adhesive between said adjacent layers." An examination of FIG. 1

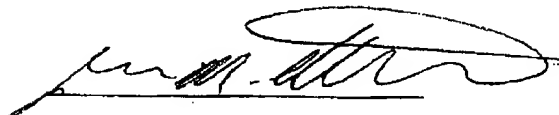
clearly shows fibers which extend into but not across the adhesive layer. Applicants submit that this Figure does adequately describe the claimed invention such that it is clear that applicants were in possession of the claimed invention at the time of filing. The Examiner is directed to the arguments cited above as further support for this assertion. Since the current claim set does satisfy the requirements of 35 U.S.C. §112, Applicants respectfully request that the outstanding rejections be withdrawn.

Conclusion:

For the reasons set forth above, it is respectfully submitted that all claims now stand in condition for allowance. Should any issues remain after consideration of this Amendment and accompanying Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

Extension of Time: A two month extension of time accompanies this submission. In the event that additional time is required to have the papers submitted herewith for the above referenced application to be considered timely, Applicant hereby petitions for any additional time required to make these papers timely and authorization is hereby granted to withdraw any additional fees necessary for this additional time from our Deposit Account No. 50-1424.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James M. Robertson", written over a horizontal line.

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